



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-13-00134-CR

JANET RENEE WALKER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 6th District Court
Lamar County, Texas
Trial Court No. 24969

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Janet Renee Walker has attempted to appeal from her conviction for driving while intoxicated. On our review of the clerk's record, we noted that the trial court certified this to be a negotiated plea agreement case in which Walker has no right of appeal. By letter dated July 11, 2013, we informed appellant of this potential jurisdictional defect and afforded her ten days in which to respond. Walker responded, through counsel, but her response contains nothing to persuade us that we have jurisdiction over this appeal.

In a negotiated plea agreement case, i.e., one in which the defendant entered a plea of guilty or nolo contendere and the punishment assessed does not exceed that recommended by the State and agreed to by the defendant, a defendant may appeal only (1) issues that were raised by a written motion that was both filed and ruled on before trial or (2) after obtaining the trial court's permission to appeal. *See* TEX. R. APP. P. 25.2(a)(2). Further, this Court is required to dismiss an appeal if, as in this case, the trial court's certification indicates that there is no right of appeal. *See id.*

Because the trial court certified that Walker has no right of appeal and because the record before us contains nothing to suggest that the certification is incorrect, *see Dears v. State*, 154 S.W.3d 610, 615 (Tex. Crim. App. 2005), we must dismiss the appeal. *See* TEX. R. APP. P. 25.2(d).

We, therefore, dismiss this appeal for want of jurisdiction.

Jack Carter
Justice

Date Submitted: July 25, 2013
Date Decided: July 26, 2013

Do Not Publish